

Upon review of the new claims submitted with the amendment of April 30, 1998, the Examiner will notice that new independent claims 30, 39, 48 and 56 have been submitted. Claim 30 includes the features of original claim 14 along with the weight percentages of polydextrose and glycerol monostearate. Claim 39 includes the features of original claims 20, 22 and 24. Claims 48 and 56 are product claims which recite features included in new claims 30 and 39 respectively.

The Applicant did not address the rejections raised under the Engelbrecht et al. reference because the remaining independent claims, i.e., claims 30, 39, 48 and 56, were based on either original claim 14 or original claims 20, 22 and 24, and the Engelbrecht et al. reference was not applied to any of these claims in the first Office Action. Nevertheless, the following comments are provided to distinguish the claimed invention from the Engelbrecht et al. reference.

The invention recited in new independent claims 30 and 48 includes the feature of the use of polydextrose in an amount of about 1 percent to about 5 percent by flour weight, and glycerol monostearate in an amount of about 0.1 percent to about 1 percent by flour weight in order to improve the anti-staling properties of a baked product. The Applicant's representative has carefully reviewed the Engelbrecht et al. patent and submits that there is no teaching or suggestion in this patent that polydextrose and glycerol monostearate can be used in

combination in a baked product in order to improve the anti-staling properties.

In fact, the Engelbrecht et al. does even mention the use of an emulsifier, such as glycerol monostearate, in the disclosed baked product. Furthermore, "The Encyclopedia of Chemical Technology" article, which was used in combination with the Engelbrecht et al. reference to reject other claims in the first Office Action, does not mention the use of glycerol monostearate. Therefore, it is believed that the Engelbrecht et al. reference fails to supply the requisite teaching, suggestion, or motivation to use glycerol monostearate in combination with polydextrose in order to improve the anti-staling properties of a baked product. Accordingly, it is believed that new independent claims 30 and 48 are patentable over the Engelbrecht et al. reference.

The invention recited in new independent claims 39 and 56 includes the feature of the use of polydextrose in an amount of about 1 percent to about 5 percent by flour weight and an amount of fiber such that the polydextrose and fiber are present in a ratio from about 1:1 to about 5:1. The Engelbrecht et al. reference has been reviewed and it is believed that the invention recited in claims 39 and 56 is patentable over this reference.

While the Engelbrecht et al. reference does disclose the use of polydextrose in a bread product, this patent does not

disclose or suggest the use of polydextrose in combination with fiber in order to improve the anti-staling properties of a baked product. It has been discovered by the Applicant that the combination of polydextrose and fiber in the present invention improves the anti-staling properties of a baked product. Specifically, the Examiner's attention is directed to page 11, line 14 to page 12, line 6 of the specification wherein: (1) it is stated that the combination of fiber and polydextrose exhibited an anti-staling effect, and also produced a decrease in dough stickiness; (2) it is stated that positive synergies were seen in the combination of polydextrose and fiber in respect of dough firmness and crumb cohesiveness; and (3) it is shown in Table 1 that the baked product having a combination of polydextrose and fiber exhibited a superior anti-staling effect over the baked products including polydextrose only or no polydextrose (control). In view of: (1) the lack of suggestion in the Engelbrecht et al. reference to combine polydextrose and fiber in a baked product in order to improve the anti-staling properties of a baked product, and (2) the disclosed advantages of combining polydextrose and fiber, it is submitted that the subject matter of new independent claims 39 and 56 is patentable over the Engelbrecht et al. reference.

In view of the foregoing remarks which distinguish the amended claims from the teachings of the Engelbrecht et al. reference, it is believed that the application has been placed

in condition for allowance. Favorable reconsideration is respectfully requested.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as 1st class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, on AUGUST 17, 1998.

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